

1. AMENDMENT OF SOLICITATION: NIMH-98-DB-0010
2. AMENDMENT NO.: ONE (01)
3. EFFECTIVE DATE: APRIL 13, 1998
4. ISSUED BY: National Institute of Mental Health
Contracts Management Branch, ORM
5600 Fishers Ln., Room 9C-15
Rockville, MD 20857-8030
5. NAME AND ADDRESS OF CONTRACTOR: To all Offerors
6. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS:
The above numbered solicitation is amended as set forth in Item 7. The hour and date specified of offers is NOT extended, thus, the proposal due date remains as Monday, June 1, 1998 at 3:30 pm (EST).
7. DESCRIPTION OF AMENDMENT: (Organized by Uniform Contract Format sections headings, including solicitation/contract subject matter where feasible)

BAA TITLE: BRAIN MOLECULAR ANATOMY PROJECT: FEASIBILITY
STUDIES

PURPOSE: This amendment hereby deletes Attachment 4 of the BAA dated 4/10/98 in its entirety and replaces it with Attachment 4 dated 4/13/98. See Attachment 4 below dated 4/13/98.

8. NAME AND TITLE OF CONTRACTING OFFICER:

Patricia L. Gibbons, Contracting Officer
Contracts Management Branch
National Institute of Mental Health, NIH

Attachment 4 (April 13, 1998)

- A. INSTRUCTIONS TO OFFERORS--COMPETITIVE ACQUISITION, [FAR Clause 52.215-1 (October 1997)]

(a) Definitions. As used in this provision--

"Discussions" are negotiations that occur after establishment of the Order of Merit Ranking that may, at the Contracting Officer's (CO) discretion, result in the offeror being allowed to revise its proposal.

"In writing" or "written" means any worded or numbered expression which can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

"Proposal modification" is a change made to a proposal before the solicitation's closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

"Proposal revision" is a change to a proposal made after the solicitation closing date, at the request of or as allowed by a CO as the result of negotiations.

"Time," if stated as a number of days, is calculated using calendar days, unless otherwise specified, and will include Saturdays, Sundays, and legal holidays. However, if the last day falls on a Saturday, Sunday, or legal holiday, then the period shall include the next working day.

(b) Amendments to solicitations. If this solicitation is amended, all terms and conditions that are not amended remain unchanged. Offerors shall acknowledge receipt of any amendment to this solicitation by the date and time specified in the amendment(s).

(c) Submission, modification, revision, and withdrawal of proposals.

(1) Unless other methods (e.g., electronic commerce or facsimile) are permitted in the solicitation, proposals and modifications to proposals shall be submitted in paper media in sealed envelopes or packages (i) addressed to the office specified in the solicitation, and (ii) showing the time and date specified for receipt, the solicitation number, and the name and address of the offeror. Offerors using commercial carriers should ensure that the proposal is marked on the outermost wrapper with the information in paragraphs (c)(1)(i) and (c)(1)(ii) of this provision.

(2) The first page of the proposal must show--

(i) The solicitation number;

(ii) The name, address, and telephone and facsimile numbers of the offeror (and electronic address if available);

(iii) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;

(iv) Names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to negotiate on the offeror's behalf with the Government in connection with this solicitation; and

(v) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

(3) Late proposals and revisions.

(i) Any proposal received at the office designated in the solicitation after the exact time specified for receipt of offers will not be considered unless it is received before award is made and--

(A) It was sent by registered or certified mail not later than the fifth calendar day before the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th of the month must have been mailed by the 15th);

(B) It was sent by mail (or telegram or facsimile, if authorized) or hand-carried (including delivery by a commercial carrier) if it is determined by the Government that the late receipt was due primarily to Government mishandling after receipt at the Government installation;

(C) It was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days prior to the date specified for receipt of proposals. The term "working days" excludes weekends and U.S. Federal holidays;

(D) It was transmitted through an electronic commerce method authorized by the solicitation and was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

(E) There is acceptable evidence to establish that it was received at the activity designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers, and the CO determines that accepting the late offer would not unduly delay the procurement; or

(F) It is the only proposal received.

(ii) Any modification or revision of a proposal or response to request for information, including any Final Proposal Revision (FPR), is subject to the same conditions as in subparagraphs (c)(3)(i)(A) through (c)(3)(i)(E) of this provision.

(iii) The only acceptable evidence to establish the date of mailing of a late proposal or modification or revision sent either by registered or certified mail is the U.S. or Canadian Postal Service postmark both on the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service. Both postmarks must show a legible date or the proposal, response to a request for information, or modification or revision shall be processed as if mailed late. "Postmark" means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by employees of the U.S. or Canadian Postal Service on the date of mailing. Therefore, offerors or respondents should request the postal clerk to place a legible hand cancellation bull's eye postmark on both the receipt and the envelope or wrapper.

(iv) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(v) The only acceptable evidence to establish the date of mailing of a late offer, modification or revision, or withdrawal sent by Express Mail Next Day Service-Post Office to Addressee is the date entered by the post office receiving clerk on the "Express Mail Next Day Service-Post Office to Addressee" label and the postmark on both the envelope or wrapper and on the original receipt from the U.S. Postal Service. "Postmark" has the same meaning as defined in paragraph (c)(3)(iii) of this provision, excluding postmarks of the Canadian Postal Service. Therefore, offerors or respondents should request the postal clerk to place a legible hand cancellation bull's eye postmark on both the receipt and the envelope or wrapper.

(vi) Notwithstanding paragraph (c)(3)(i) of this provision, a late modification or revision of an otherwise successful proposal that makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.

(vii) Proposals may be withdrawn by written notice or telegram (including mailgram) received at any time before award. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision entitled "Facsimile Proposals." Proposals may be withdrawn in person by an offeror or an authorized representative, if the representative's identity is made known and the representative signs a receipt for the proposal before award.

(viii) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation or other notice of an extension of the closing date, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes

resume. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office.

(4) Unless otherwise specified in the solicitation, the offeror may propose to provide any item or combination of items.

(5) Proposals submitted in response to this solicitation shall be in English and in U.S. dollars, unless otherwise permitted by the solicitation.

(6) Offerors may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.

(7) Offerors may submit revised proposals only if requested or allowed by the CO.

(8) Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the CO.

(d) Offer expiration date. Proposals in response to this solicitation will be valid for the number of days specified on the solicitation cover sheet (unless a different period is proposed by the offeror).

(e) Restriction on disclosure and use of data. Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall--

(1) Mark the title page with the following legend: This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed--in whole or in part--for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of--or in connection with--the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]; and

(2) Mark each sheet of data it wishes to restrict with the following legend: use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.

(f) Contract award.

(1) The Government intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) represents the best value after evaluation in accordance with the factors and subfactors in the solicitation.

(2) The Government may reject any or all proposals if such action is in the Government's interest.

(3) The Government may waive informalities and minor irregularities in proposals received.

(4) The Government intends to evaluate proposals and award a contract(s) without discussions with offerors (except clarifications as described in FAR 15.306(a)). Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price or technical standpoint. The Government reserves the right to conduct discussions if the CO later determines them to be necessary. If the CO determines that the number of proposals that would otherwise be in the Order of Merit Ranking exceeds the number at which an efficient competition can be conducted, the CO may limit the number of proposals in the Order of Merit Ranking to the greatest number that will permit an efficient competition among the most highly rated proposals.

(5) The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the offeror specifies otherwise in the proposal.

(6) The Government reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the Government's best interest to do so.

(7) Exchanges with offerors after receipt of a proposal do not constitute a rejection or counteroffer by the Government.

(8) The Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the CO determines that the lack of balance poses an unacceptable risk to the Government.

(9) If a cost realism analysis is performed, cost realism may be considered by the source selection authority in evaluating performance or schedule risk.

(10) A written award or acceptance of proposal mailed or otherwise furnished to the successful offeror within the time specified in the proposal shall result in a binding contract without further action by either party.

(11) The Government may disclose the following information in postaward debriefings to other offerors:

(i) The overall evaluated cost or price and technical rating of the successful offeror;

(ii) The overall ranking of all offerors, when any ranking was developed by the agency during source selection;

(iii) A summary of the rationale for award; and

(iv) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.

(End of provision)

ALTERNATE I (October 1997). As prescribed in 15.209(a)(1), substitute the following paragraph (f)(4) of the basic provision:

(4) The Government intends to evaluate proposals and award a contract after conducting discussions with offerors whose proposals have been determined to be within the Order of Merit Ranking. If the CO determines that the number of proposals that would otherwise be in the Order of Merit Ranking exceeds the number at which an efficient competition can be conducted, the CO may limit the number of proposals in the Order of Merit Ranking to the greatest number that will permit an efficient competition among the most highly rated proposals. Therefore, the offeror's initial proposal should contain the offeror's best terms from a price and technical standpoint.

B. SIC CODE AND SIZE STANDARD

Note: The following information is to be used by the offeror in preparing its Representations and Certifications, specifically in completing the provision entitled, SMALL BUSINESS PROGRAM REPRESENTATION (FEBRUARY 1998), FAR Clause 52.219-1.

(1) The standard industrial classification (SIC) code for this acquisition is 8731.

(2) The small business size standard is 500 employees.

THIS REQUIREMENT IS NOT SET-ASIDE FOR SMALL BUSINESS. However, the Federal Acquisition Regulation (FAR) requires in every solicitation (except for foreign acquisitions), the inclusion of the Standard Industrial Classification (SIC) Code and corresponding size standard which best describes the nature of the requirement in the solicitation.

C. TYPE OF CONTRACT AND NUMBER OF AWARD(S)

It is anticipated that multiple award(s) will be made from this solicitation and that the awards will be made on/about 9/30/98.

It is anticipated that the award(s) from this solicitation will be as follows:

For Objectives #1 through #4, Offerors may submit a proposal covering one or any combination of the objectives. Awards may be made on either a cost-reimbursement or fixed-price basis, with options. Offerors will be allowed the flexibility to propose the type of contract, i.e. Cost/fixed price, based on industry standards and practices. The maximum duration of any resultant contract will be two years. This will include a one-year base period (Phase I) and a one-year option period (Phase II). Refer to guidance on option provisions below. The technical proposal must clearly indicate which objectives are proposed. Separate cost/price proposals must be submitted for each objective proposed.

For Objective #5, One contract award will be made under this objective. It is anticipated that award will be made on a cost-reimbursement, incrementally-funded, term form contract. Refer to guidance on incremental funding in the Business Proposal Instructions. The maximum duration of the contract will be two years. The organization selected for award under this objective will not be allowed to participate as either a prime contractor or subcontractor under Objectives #1 through #4.

OPTION PROVISIONS

Unless the Government exercises its option pursuant to the Option Clause specified below, the contract will consist of only Phase I for Objectives #1 through #4 as indicated in the Statement of Research Objectives. Pursuant to clause 52.217-9 Option to Extend the Term of the Contract (March 1989), the Government may, by unilateral contract modification, require the Contractor to perform Phase II also defined in the SRO. If the Government exercises this option, notice must be given at least 60 days prior to the expiration date of this contract, and the estimated cost/price of the contract will be increased as negotiated and established under the basic award.

D. LEVEL OF EFFORT GUIDANCE

To Facilitate an understanding of the scope and fiscal resources available for the project, the following represents the Government's estimate of the labor effort that would be necessary to achieve the research objectives.

Labor Category	Phase I (Base Year)	Phase II (First Option Year)
OBJECTIVE #1:		
Professional & Technical Effort	2.15 FTE	4.15 FTE
Administrative Support	.25 FTE	.25 FTE
OBJECTIVE #2:		
Professional & Technical Effort	1.00 FTE	2.00 FTE
Administrative Support	.15 FTE	.15 FTE

OBJECTIVE #3:

We anticipate award on a fixed price deliverable basis with the following estimates:

Year 1: Sequencing of up to 50 cDNA libraries with 1,000 reads on each library, totaling 50,000 reads.

First Option Year: Sequencing of up to 100 cDNA libraries with 1,000 reads on each library, totaling 100,000 reads.

OBJECTIVE #4:

Professional & Technical Effort	1.00 FTE	1.50 FTE
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OBJECTIVE #5:

Labor Category	Year 1	Year 2
Professional Effort	1.00 FTE	1.00 FTE
Administrative Support	.10 FTE	.10 FTE

PROSPECTIVE OFFERORS ARE ADVISED THAT THE ABOVE ESTIMATES ARE FURNISHED FOR YOUR INFORMATION ONLY AND ARE NOT TO BE CONSIDERED RESTRICTIVE FOR PROPOSAL PURPOSES. OFFERORS ARE REQUESTED TO FURNISH ESTIMATES OF PERSONNEL AND EFFORT BASED UPON THE SRO REQUIREMENTS AND THE PROPOSED APPROACH OFFERED FOR ACHIEVING THE STATED OBJECTIVES.

E. JUST IN TIME

This BAA contains special procedures for the submission of business management proposals. These special procedures are designed to reduce the administrative burden on offerors without compromising the information needed during the initial evaluation of proposals. Certain documents will no longer be required to be submitted with initial proposals, but will be requested at a later stage in the competitive process. Specifically, the travel policy, the annual financial statement, the total compensation plan, the subcontracting plan, and certain types of cost/pricing information will only be required to be submitted at a later date. The special procedures for submission of this documentation are set forth in detail below:

Travel Policy: The offeror's (and any proposed subcontractor's) written travel policy shall not be submitted with the initial business proposal. All offerors included in the Order of Merit Ranking will be required to submit a travel policy as part of their FPR.

Annual Report: The offeror's most recent annual report shall not be submitted with the initial business proposal. All offerors included in the Order of Merit Ranking will be required to submit a copy of their most recent annual report as part of their FPR.

Total Compensation Plan: The offeror's total compensation plan shall not be submitted with the initial business proposal. All offerors included in the Order of Merit Ranking will be required to submit a total compensation plan as part of their FPR.

Subcontracting Plan: The offeror's Small, Small Disadvantaged, and Women-Owned Small Business Subcontracting Plan shall not be submitted with the original business proposal. Only the apparent successful offerors will be required to submit an acceptable subcontracting plan.

F. COMPARATIVE IMPORTANCE OF PROPOSALS

You are advised that paramount consideration shall be given to the evaluation of technical proposals. All evaluation factors other than cost or price, when combined, are significantly more important than cost or price. However, the Government reserves the right to make an award to the best advantage of the Government, cost and other factors considered.

G. SERVICE OF PROTEST (AUGUST 1996) – FAR 52.233-2

Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the CO (addressed as follows) by obtaining written and dated acknowledgement of receipt from:

National Institute of Mental Health
Contracts Management Branch
Attn: Contracting Officer
5600 Fishers Ln., Rm. 9C-15
Rockville, MD 20857-8030

The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

H. LATE PROPOSALS, MODIFICATIONS OF PROPOSAL, AND WITHDRAWALS OF PROPOSALS, (PHS) 352.215-10

Notwithstanding the procedures contained in the provision of this solicitation entitled Late Submissions, Modifications, and Withdrawals of Proposals, a proposal received after the date specified for receipt may be considered if it offers significant cost or technical advantages to the Government, and it was received before proposals were distributed for evaluation, or within five calendar days after the exact time specified for receipt, whichever is earlier.

I. COMMITMENT OF PUBLIC FUNDS

The CO is the only individual who can legally commit the Government to the expenditure of public funds in connection with the proposed procurement. Any other commitment, either explicit or implied, is invalid.

J. COMMUNICATIONS PRIOR TO CONTRACT AWARD

Offerors shall direct all communications to the attention of the Contract Specialist or CO cited on the face page of this BAA. Communications with other officials may compromise the competitiveness of this acquisition and result in cancellation of the requirement.

K. RELEASE OF INFORMATION

Contract selection and award information will be disclosed to offerors in accordance with regulations applicable to negotiated acquisition. Prompt written notice will be given to unsuccessful offerors as they are eliminated from the competition, and to all offerors following award.

L. PREPARATION COSTS

This BAA does not commit the Government to pay for the preparation and submission of a proposal.

M. GENERAL INSTRUCTIONS

INTRODUCTION

The following instructions will establish the acceptable minimum requirements for the format and contents of proposals. Special attention is directed to the requirements for technical and business proposals to be submitted in accordance with these instructions. Also, please note that the technical proposal must be organized and presented in accordance with the "Technical Proposal Instructions."

1. Contract Clauses: Any resultant contract shall include the clauses applicable to the selected offeror's organization and type of contract awarded as required by Public Law, Executive Order, or acquisition regulations in effect at the time of execution of the proposed contract.

2. Authorized Official and Submission of Proposal: The proposal must be signed by an official authorized to bind your organization and must stipulate that it is predicated upon all the terms and conditions of this BAA. Your proposal shall be submitted in the number of copies, to the address, and marked as indicated in the attached Solicitation Cover Letter. Proposals will be typewritten, paginated, reproduced on letter size paper and will be legible in all required copies. To expedite the proposal evaluation, all documents required for responding to the BAA should be placed in the following order:

a. TECHNICAL PROPOSAL COVER SHEET

Include BAA number, title, name of organization, name of Principal Investigator, names of other offeror key personnel, name of any subcontractor(s) and their proposed Principal Investigator(s), names of any collaborators or consultants, and indicate whether the proposal is an original or a copy.

b. TECHNICAL PROPOSAL

Format and organization of the technical proposal must follow the information requested in the Technical Proposal Instructions and as otherwise specified in the APPLICABLE BAA REFERENCES (Attachment 5).

c. BUSINESS PROPOSAL

It is recommended that the business proposal consist of a cover page, a table of contents, and the information requested in the Business Proposal Instructions and as otherwise specified in the APPLICABLE BAA REFERENCES (Attachment 5).

3. Separation of Technical and Business Proposals: The proposal must be prepared in two parts: a "Technical Proposal" and a "Business Proposal." Each of the parts shall be separate and complete in itself so that evaluation of one may be accomplished independently of, and concurrently with, evaluation of the other. The technical proposal must include direct cost and resource information, such as labor-hours and categories and applicable rates, materials, subcontracts, travel, etc., and associated costs so that the offeror's understanding of the project may be evaluated (See FORMS, FORMATS AND ATTACHMENTS, for format entitled TECHNICAL PROPOSAL COST INFORMATION). However, the technical proposal should not include pricing data relating to individual salary information, indirect cost rates or amounts, fee amounts (if any), and total costs. The technical proposal should disclose your technical approach in as much detail as possible, including, but not limited to, the requirements of the technical proposal instructions.

4. Confidentiality of Proposals: (HHSAR 352.215-12, Restriction on Disclosure and Use of Data (April 1984)). The proposal submitted in response to this broad agency announcements may contain data (trade secrets; business data, e.g., commercial information, financial information, and cost and pricing data; and technical data) which the offeror, including its prospective subcontractor(s), does not want used or disclosed for any purpose other than for evaluation of the proposal. The use and disclosure of any data may be so restricted; provided, that the Government determines that the data is not required to be disclosed under the Freedom of Information Act, 5 U.S.C. 552, as amended, and the offeror marks the cover sheet of the proposal with the following legend, specifying the particular portions of the proposal which are to be restricted in accordance with the conditions of the legend. The Government's determination to withhold or disclose a record will be based upon the particular circumstances involving the record in question and whether the record may be exempted from disclosure under the Freedom of Information Act:

Unless disclosure is required by the Freedom of Information Act, 5 U.S.C. 552, as amended, (the Act) as determined by Freedom of Information (FOI) Officials of the Department of Health and Human Services, data contained in the portions of this proposal which have been specifically identified by page number, paragraph, etc. by the offeror as containing restricted information shall not be used or disclosed except for evaluation purposes.

The offeror acknowledges that the Department may not be able to withhold a record (data, document, etc.) nor deny access to a record requested pursuant to the Act, and that the Department's FOI officials must make that determination. The offeror hereby agrees that the

Government is not liable for disclosure if the Department has determined that disclosure is required by the Act.

If a contract is awarded to the offeror as a result of, or in connection with, the submission of this proposal; the Government shall have the right to use or disclose the data to the extent provided in the contract. Proposals not resulting in a contract remain subject to the Act.

The offeror also agrees that the Government is not liable for disclosure or use of unmarked data and may use or disclose the data for any purpose, including the release of the information pursuant to requests under the Act.

The data subject to this restriction are contained in pages (insert page numbers, paragraph designations, etc. or other identification).

In addition, the offeror should mark each page of data it wishes to restrict with the following legend:

"Use or disclosure of data contained on this page is subject to the restriction on the cover sheet of this proposal."

NOTE: Offerors are cautioned that proposals submitted with the restrictive legends or statements differing in substance from the above legend may not be considered for award. The Government reserves the right to reject any proposal submitted with a nonconforming legend.

5. Evaluation of Proposals: The Government will evaluate technical proposals in accordance with the criteria set forth in Attachment 3, Evaluation Factors for Award.

6. Potential Award Without Discussions: The Government reserves the right to award a contract without discussions if the CO determines that the initial prices are fair and reasonable and that discussions are not necessary.

7. Use of the Metric System of Measurement: It is the policy of the Department of Health and Human Services to support the Federal transition to the metric system and to use the metric system of measurement in all procurements, grants, and other business related activities unless such use is impracticable or is likely to cause significant inefficiencies.

The offeror is encouraged to prepare their proposal using either "Hard Metric," "Soft Metric," or "Dual Systems" of measurement. The following definitions are provided for your information:

Hard Metric - The replacement of a standard inch-pound size with an accepted metric size for a particular purpose. An example of size substitution might be: selling or packaging liquids by the liter instead of by the pint or quart (as for soft drinks), or instead of by the gallon(as for gasoline).

Soft Metric - The result of a mathematical conversion of inch-pound measurements to metric equivalents for a particular purpose. The physical characteristics are not changed.

Dual Systems - The use of both inch-pound and metric systems. For example, an item is designed, produced, and described in inch-pound values with soft metric values also shown for information or comparison purposes.

8. Care of Live Vertebrate Animals

The following notice is applicable when contract performance is expected to involve care of live vertebrate animals:

NOTICE TO OFFERORS OF REQUIREMENT FOR ADEQUATE ASSURANCE OF PROTECTION OF VERTEBRATE ANIMAL SUBJECTS – (SEPTEMBER 1985). The Public Health Service (PHS) Policy on Human Care and Use of Laboratory Animals establishes a number of requirements for research activities involving animals. Before a PHS award may be made to an applicant organization, the organization shall file, with the Office for Protection from Research Risks (OPRR), National Institutes of Health (NIH), PHS, a written Animal Welfare Assurance which commits the organization to comply with the provisions of the PHS Policy on Humane Care and Use of Laboratory Animals by Awardee Institution, the Animal Welfare Act, and the Guide for the Care and Use of Laboratory Animals prepared by the Institute of Laboratory Animal Resources. In accordance with the PHS Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions, applicant organizations must establish a committee, qualified through the experience and expertise of its members, to oversee the institution's animal program, facilities and procedures. No PHS award involving the use of animals shall be made unless the Animal Welfare Assurance shall been approved by OPRR. Prior to award, the CO will notify Contractor(s) selected for projects that involve live vertebrate animals that an Animal Welfare Assurance is required. The CO will request that OPRR negotiate an acceptable Animal Welfare Assurance with those Contractor(s). For further information, OPRR may be contacted at 6100 Executive Blvd., Suite 3B01, MSC 7507, Rockville, MD 20892-7507, (301) 496-7163, ext. 234. FAX copies of the PHS Policy are available at (301) 496/594-0464. This policy is also available on the internet at <http://www.nih.gov:80/grants/oprr/phspol/htm>.

9. Privacy Act: The Privacy Act of 1974 (P.L. 93-579) requires that a Federal agency advise each individual whom it asks to supply information, the authority which authorizes the solicitation, whether disclosure is voluntary or mandatory, the principal purpose or purposes for which the information is intended to be used, the uses outside the agency which may be made of the information, and the effects on the individual, if any, of not providing all or any part of the requested information.

The NIH is requesting the information called for in this BAA pursuant to the authority provided by Sec. 301(a)(7) of the Public Health Service Act, as amended, and, as applicable, P.L. 92-218, as amended. Providing the information requested is entirely voluntary. The collection of this information is for the purpose of conducting an accurate, fair, and adequate review prior to a discussion as to whether to award a contract. Failure to provide any or all of the requested information may result in a less than adequate review. In addition, the Privacy Act of 1974 (P.L.

93-579, Section 7) requires that the following information be provided when individuals are requested to disclose their social security number.

Provision of the social security number is voluntary. Social security numbers are requested for the purpose of accurate and efficient identification, referral, review and management of NIH contracting programs. Authority for requesting this information is provided by Section 301 and Title IV of the PHS Act, as amended. The information provided by you may be routinely disclosed for the following purposes:

- to the cognizant audit agency and the General Accounting Office for auditing.
- to the Department of Justice as required for litigation.
- to respond to congressional inquiries.
- to qualified experts, not within the definition of Department employees, for opinions as a part of the review process.

10. Selection of Offerors:

- a. For those proposals meeting the Mandatory Qualification Criteria as assessed by Program staff, technical proposals will be evaluated by an independent technical review panel. The reviewers will evaluate each proposal in strict conformity with the evaluation criteria of the BAA, utilizing point scores and written critiques. The panel may suggest that the CO request clarifying information from an offeror.
- b. The business portion of each contract proposal will be subjected to a cost and price analysis, management analysis, etc.
- c. If award will be made without conducting discussions, offerors may be given the opportunity to clarify certain aspects of their proposal or to resolve minor or clerical errors.
- d. Notwithstanding other provisions and clauses of this solicitation document, a Competitive Range will not be established, rather an Order of Merit Ranking of proposals will be established for each objective. The primary basis for selecting proposals for award shall be: (1) those meeting the Mandatory Qualification Criteria; (2) results of the scientific evaluations; (3) program relevance, balance and priority; (4) availability of funds; and (5) cost realism. All aspects of the proposals are subject to discussions, including cost, technical approach, past performance, and contractual terms and conditions. At the conclusion of discussions, each offeror selected for award shall be given an opportunity to submit a written FPR with the reservation of the right to conduct limited negotiations in accordance with HHSAR 15.351-670.
- e. Best Value Analysis: Although meeting the mandatory qualification criteria and results of the scientific evaluations are significant in the selection of a contractor under this BAA, a final best-buy analysis may be performed, taking into consideration the results of the technical evaluation, cost/price analyses, and ability to complete the work within the Government's required schedule, as appropriate. The Government reserves the right to make

an award to source whose proposal offers the best advantage to the Government, technical merit, cost/price and other factors considered.

f. The Government reserves the right to make a single award, multiple awards, or no award at all to the BAA. In addition, the BAA may be amended or canceled as necessary to meet Government requirements. Synopses of awards exceeding \$25,000 and offering subcontracting opportunities will be published in the Commerce Business Daily.

11. Reimbursement of Costs for Independent Research and Development Projects (Commercial Organizations Only): The primary purpose of the Public Health Service (PHS) is to support and advance independent research within the scientific community. This support is provided in the form of contracts and grants totaling approximately 7 billion dollars annually. PHS has established effective, time tested and well recognized and accepted procedures for stimulating and supporting this independent research by selecting from multitudes of proposals those research projects most worthy of support within the constraints of its appropriations. The reimbursement of independent research and development costs not incidental to product improvement, through the indirect cost mechanism, would circumvent this competitive process.

To ensure that all research and development projects receive similar and equal consideration, all offerors may compete for direct funding for independent research and development projects they consider worthy of support by submitting those projects to the appropriate Public Health Service grant and/or contract office for review. Since these projects may be submitted for direct funding, the successful offeror agrees that no costs for any independent research and development project, including applicable indirect costs, will be claimed under any contract resulting from this solicitation.

12. Salary Rate Limitation in fiscal Year 1998

Offeror's are advised that pursuant to P.L. 105-78, no NIH Fiscal Year 1998 (October 1, 1997 - September 30, 1998) funds may be used to pay the direct salary of an individual through any contract awarded as a result of this solicitation at a rate in excess of \$125,000 per year (direct salary is exclusive of overhead, fringe benefits, and general and administrative expenses). This does not preclude the offeror from absorbing that portion of an employee's salary (plus the dollar amount for fringe benefits and associated indirect costs) that exceed a rate of \$125,000 per year. The salary rate limitation set by P.L. 105-78 applies only to Fiscal Year 1998 funds, however, salary rate ceilings for subsequent years may be included in future DHHS appropriation acts. Multi-year contracts awarded pursuant to this solicitation may be subject to unilateral modifications by the Government if an individual's salary exceed any salary rate ceiling established in future appropriations acts. The \$125,000 per year salary limit also applies to individuals proposed under subcontracts. P.L. 105-78 states in pertinent part:

"None of the funds appropriated in this title for the National Institutes of Health and Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual through a grant or other extramural mechanism at a rate in excess of \$125,000 per year."

13. Institutional Responsibility Regarding Conflicting Interests of Investigators

EACH INSTITUTION MUST:

- a. Maintain an appropriate written, enforced policy on conflict of interest that complies with 42 CFR Part 50 Subpart F and/or 45 CFR Part 94 as appropriate and inform each investigator of the Institution's policy, the Investigator's reporting responsibilities, and the applicable regulations. If the Institution carries out the NIH funded research through subgrantees, contractors or collaborators, the Institution must take reasonable steps to ensure that Investigators working for such entities comply with the regulations, either by requiring those investigators to comply with the Institution's policy or by requiring the entities to provide assurances to the Institution that will enable the Institution to comply with the regulations.
- b. Designate an Institutional official(s) to solicit and review financial disclosure statements from each Investigator who is planning to participate in NIH-funded research.
- c. Require that by the time an application/proposal is submitted to the NIH each investigator who is planning to participate in the NIH-funded research has submitted to the designated official(s) a listing of his/her known Significant Financial Interests (and those of his/her spouse and dependent children): (i) that would reasonably appear to be affected by the research for which the NIH funding is sought; and (ii) in entities whose financial interests would reasonably appear to be affected by the research. All financial disclosures must be updated during the period of the award, either on an annual basis or as new reportable Significant Financial Interests are obtained.
- d. Provide guidelines consistent with the regulations for the designated official(s) to identify conflicting interests and take such actions as necessary to ensure that such conflicting interests will be managed, reduced, or eliminated.
- e. Maintain records, identifiable to each award, of all financial disclosures and all actions taken by the institution with respect to each conflicting interest for: (1) in the case of grants, at least three years from the date of submission of the final expenditures report or, where applicable, from other dates specified in 45 CFR Part 74.53(b) and (2) in the case of contracts, 3 years after final payment or, where applicable, for the other time period specified in 48 CFR Part 4 Subpart 4.7, Contract Records Retention.
- f. Establish adequate enforcement mechanisms and provide for sanctions where appropriate.
- g. Certify, in each application/proposal for funding to which the regulations applies, that:
 - i. there is in effect at the Institution a written and enforced administrative process to identify and manage, reduce or eliminate conflicting interests with respect to all research projects for which funding is sought from the NIH;

ii. prior to the Institution's expenditure of any funds under the award, the Institution will report to the awarding component the existence of a conflicting interest (but not the nature of the interest or other details) found by the Institution and assure that the interest has been managed, reduced or eliminated in accord with the regulations; and for any interest that the Institution identifies as conflicting subsequent to the expenditure of funds after award, the report will be made and the conflicting interest managed, reduced, or eliminated, at least on a temporary basis within sixty days of that identification;

iii. the Institution agrees to make information available, upon request, to the awarding component regarding all conflicting interests identified by the Institution and how those interested have been managed, reduced, or eliminated to protect the research from bias; and

iv. the Institution will otherwise comply with the regulations.

Institutional Management of Conflicting Interests

a. The designated official(s) must: (i) review all financial disclosures; and(ii) determine whether conflict of interest exists, and if so, determine what actions should be taken by the Institution to manage, reduce or eliminate such conflict of interest. A conflict of interest exists when the designated official(s) reasonably determines that a Significant Financial Interest could directly and significantly affect the design, conduct, or reporting of the NIH-funded research. Examples of conditions or restrictions that might be imposed to manage actual or potential conflicts of interests include, but are not limited to:

- i. public disclosure of significant financial interests;
- ii. monitoring of research by independent reviewers;
- iii. modification of the research plan;
- iv. disqualification of the Investigator(s) from participation in all or a portion of the research funded by the awarding component;
- v . divestiture of significant financial interests; or
- vi. severance of relationships that create actual or potential conflicts of interests.

b. An Institution may require the management of other conflicting financial interests in addition to those described in paragraph (a) of this section, as the Institution deems appropriate.

14. ROTC Access and Federal Military Recruiting on Campus: Section 514 of the FY 1997 Appropriations Act prohibits NIH from providing contract funds to educational institutions that the Secretary of Defense determines have a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents (1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps at the covered education entity; or (2) a student at the covered educational entity from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

Further, contract funds may not be provided to educational institutions that have a policy or practice that prohibits or prevents (i) entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of Federal military recruiting; or (ii) access by military recruiters for purposes of Federal military recruiting to information pertaining to students (who are 17 years of age or older) enrolled at the covered educational entity.

15. Solicitation Provisions Incorporated by Reference, FAR 52.252-1 (February 1998)

This Solicitation incorporates the following solicitation provisions by reference with the same force and effect as if they were given in full text. Upon request, the CO will make their full text available.

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1):

- a. Submission of Offers in the English Language, FAR Clause 52.214-34, (April 1991).
- b. Submission of Offers in U.S. Currency, FAR Clause 52.214-35, (April 1991).
- c. Order of Precedence - Uniform Contract Format, FAR Clause 52.215-8 (October 1997)
- d. Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data, FAR 52.215-20 (October 1997)

N. TECHNICAL PROPOSAL INSTRUCTIONS

INTRODUCTION

A detailed work plan must be submitted for each proposed objective indicating how each aspect of the objective is to be accomplished. Your technical proposal should be in as much detail as you consider necessary to fully explain your proposed technical approach and methodology. The technical proposal should reflect a clear understanding of the nature of the work being undertaken and must include information on how the project is to be organized, staffed, and managed. The Technical Proposal should be organized and presented as stated below. TECHNICAL DISCUSSIONS SHALL BE LIMITED TO 20 SINGLE-SIDED PAGES WITH A MINIMUM 11 POINT SIZE.

Technical Proposal: The technical proposal should respond to the items set forth below:

- a. Personnel: Describe the experience and qualifications of personnel who will be assigned for direct work on this program. Information is required which will show the composition of the task or work group, its general qualifications, and recent experience with similar equipment or programs. Special mention shall be made of direct technical supervisors and key technical personnel, and the approximate percentage of the total time each will be available for this program.

OFFERORS SHOULD ASSURE THAT THE PRINCIPAL INVESTIGATOR, AND ALL OTHER PERSONNEL PROPOSED, SHALL NOT BE COMMITTED ON FEDERAL GRANTS AND CONTRACTS FOR MORE THAN A TOTAL OF 100% OF THEIR TIME. IF THE SITUATION ARISES WHERE IT IS DETERMINED THAT A

PROPOSED EMPLOYEE IS COMMITTED FOR MORE THAN 100% OF HIS OR HER TIME, THE GOVERNMENT WILL REQUIRE ACTION ON THE PART OF THE OFFEROR TO CORRECT THE TIME COMMITMENT.

- i. Principal Investigator/Project Director: List the name of the Principal Investigator/Project Director responsible for overall implementation of the contract and key contact for technical aspects of the project. Even though there may be co-investigators, identify the Principal Investigator/Project Director who will be responsible for the overall implementation of any awarded contract. Discuss the qualifications, experience, and accomplishments of the Principal Investigator/Project Director. State the estimated time to be spent on the project, his/her proposed duties, and the areas or phases for which he/she will be responsible. If the Principal Investigator proposed for this BAA is committed in excess of 100% of his/her time the proposal must include appropriate explanations.
 - ii. Other Investigators: List all other investigators/professional personnel who will be participating in the project. Discuss the qualifications, experience, and accomplishments. State the estimated time each will spend on the project, proposed duties on the project, and the areas or phases for which each will be responsible.
 - iii. Additional Personnel: List names, titles, and proposed duties of additional personnel, if any, who will be required for full-time employment, or on a subcontract or consultant basis. The technical areas, character, and extent of subcontract or consultant activity will be indicated and the anticipated sources will be specified and qualified. For all proposed personnel who are not currently members of the offeror's staff, a letter of commitment or other evidence of availability is required. A resume does not meet this requirement. Commitment letters for use of consultants and other personnel to be hired must include:
 - The specific items or expertise they will provide.
 - Their availability to the project and the amount of time anticipated.
 - Willingness to act as a consultant.
 - How rights to publications and patents will be handled.
 - iv. Resumes: Resumes of all key personnel are required. Each must indicate educational background, recent experience, specific or technical accomplishments, and a listing of relevant publications. Resumes must not exceed two pages.
- b. Statement of Research Objectives:
- i. Objectives: State the overall objectives and the specific accomplishments you hope to achieve. Indicate the rationale for your plan, and relation to comparable work in progress elsewhere. Review pertinent work already published which is relevant to this project and your proposed approach. This should support the scope of the project as you perceive it.

- ii. Approach: Use as many subparagraphs, appropriately titled, as needed to clearly outline the general plan of work. Discuss phasing of research and, if appropriate, include experimental design and possible or probable outcome of approaches proposed.
 - iii. Methods: Describe in detail the methodologies you will use for the project, indicating your level of experience with each, areas of anticipated difficulties, and any unusual expenses you anticipate.
 - iv. Schedule: Provide a schedule for completion of the work and delivery of items specified in the SRO. Performance or delivery schedules shall be indicated for phases or segments, as applicable, as well as for the overall program. Schedules shall be shown in terms of calendar months from the date of authorization to proceed or, where applicable, from the date of a stated event, as for example, receipt of a required approval by the CO. Unless the BAA indicates that the stipulated schedules are mandatory, they shall be treated as desired or recommended schedules. In this event, proposals based upon the offeror's best alternative schedule, involving no overtime, extra shift or other premium, will be accepted for consideration.
- c. Facilities and Resources: List/describe all facilities and resources available for this project, including any equipment.
- d. Other Considerations: Record and discuss specific factors not included elsewhere which support your proposal. Using specifically titled subparagraphs, items may include:
- i. Any agreements and/or arrangements with subcontractor(s). Provide as much detail as necessary to explain how the SRO will be accomplished within this working relationship.
 - ii. Unique arrangements which none or very few organizations are likely to have which is advantageous for effective implementation of this project.
 - iii. Equipment and unusual operating procedures established to protect personnel from hazards associated with this project.
 - iv. Other factors you feel are important and support your proposed research. Recommendations for changing reporting requirements or other deliverables if such changes would be more compatible with the offeror's proposed schedules.
- e. Summary of Related Activities: The offeror shall complete and include with the technical proposal the "Summary of Current and Proposed Activities" form found in, FORMS, FORMATS, AND ATTACHMENTS. Include this form with the Other Considerations portion of your technical proposal.
- f. Technical Proposal Cost Information: Complete and include with your Technical Proposal the "Technical Proposal Cost Information" form contained in FORMS, FORMATS, AND ATTACHMENTS.

g. Technical Evaluation: Proposals will be technically evaluated in accordance with the factors, weights, and order of relative importance as set forth in the Evaluation Factors for Award (Attachment 3).

h. Additional Technical Proposal Information

i. Proposals which merely offer to conduct a program in accordance with the requirements of the Government's scope of work will not be eligible for award. The offeror must submit an explanation of the proposed technical approach in conjunction with the tasks to be performed in achieving the projects objectives.

ii. The technical evaluation is conducted in accordance with the weighted technical evaluation criteria for each objective by a technical review panel. This evaluation produces a numerical score (points) and assessment as to whether the proposal is technically acceptable or unacceptable. The technical evaluation shall be based solely upon the information contained in the offeror's proposal.

O. BUSINESS PROPOSAL INSTRUCTIONS

1. Basic Cost/Price Information: The business proposal must contain sufficient information to allow the Government to perform a basic analysis of the proposed cost or price of the work. This information shall include the amounts of the basic elements of the proposed cost or price. These elements will include, as applicable, direct labor, fringe benefits, travel, materials, subcontracts, purchased parts, shipping, indirect costs and rate, fee, and profit.

2. Cost and Pricing Data

1. General Instructions

A. You must provide the following information on the first page of your pricing proposal:

- (1) Solicitation, contract, and/or modification number;
- (2) Name and address of offeror;
- (3) Name and telephone number of point of contact;
- (4) Name of contract administration office (if available);
- (5) Type of contract action (that is, new contract, change order, price revision/redetermination, letter contract, unpriced order, or other);
- (6) Proposed cost; profit or fee; and total;
- (7) Whether you will require the use of Government property in the performance of the contract, and, if so, what property;
- (8) Whether your organization is subject to cost accounting standards; whether your organization has submitted a CASB Disclosure Statement, and if it has been determined adequate; whether you have been notified that you are or may be in noncompliance with your Disclosure Statement or CAS, and, if yes, an explanation; whether any aspect of this proposal is inconsistent with your disclosed practices or

applicable CAS, and, if so, an explanation; and whether the proposal is consistent with your established estimating and accounting principles and procedures and FAR Part 31, Cost Principles, and, if not, an explanation;

(9) The following statement: This proposal reflects our estimates and/or actual costs as of this date and conforms with the instructions in FAR15.403-5(b)(1) and Table 15-2. By submitting this proposal, we grant the CO and authorized representative(s) the right to examine, at any time before award, those records, which include books, documents, accounting procedures and practices, and other data, regardless of type and form or whether such supporting information is specifically referenced or included in the proposal as the basis for pricing, that will permit an adequate evaluation of the proposed price;

(10) Date of submission; and

(11) Name, title and signature of authorized representative.

B. In submitting your proposal, you must include an index, appropriately referenced, of all the cost or pricing data and information accompanying or identified in the proposal. In addition, you must annotate any future additions and/or revisions, up to the date of agreement on price, or an earlier date agreed upon by the parties, on a supplemental index.

C. As part of the specific information required, you must submit, with your proposal, cost or pricing data (that is, data that are verifiable and factual and otherwise as defined at FAR 15.401). You must clearly identify on your cover sheet that cost or pricing data are included as part of the proposal. In addition, you must submit with your proposal any information reasonably required to explain your estimating process, including--

(1) The judgmental factors applied and the mathematical or other methods used in the estimate, including those used in projecting from known data; and

(2) The nature and amount of any contingencies included in the proposed price.

D. You must show the relationship between contract line item prices and the total contract price. You must attach cost-element breakdowns for each proposed research objective, using the appropriate format prescribed in the "Formats for Submission of Line Item Summaries" (see paragraph 3 below). You must furnish supporting breakdowns for each cost element, consistent with your cost accounting system.

E. When more than one contract line item is proposed, you must also provide summary total amounts covering all line items for each element of cost.

F. Whenever you have incurred costs for work performed before submission of a proposal, you must identify those costs in your cost/price proposal.

G. If you have reached an agreement with Government representatives on use of forward pricing rates/factors, identify the agreement, include a copy, and describe its nature.

H. As soon as practicable after final agreement on price or an earlier date agreed to by the parties, but before the award resulting from the proposal, you must, under the conditions stated in FAR 15.406-2, submit a Certificate of Current Cost or Pricing Data.

2. Cost Elements: Depending on your system, you must provide breakdowns for the following basic cost elements, as applicable:

A. Materials and services: Provide a consolidated priced summary of individual material quantities included in the various tasks, orders, or contract line items being proposed and the basis for pricing (vendor quotes, invoice prices, etc.). Include raw materials, parts, components, assemblies, and services to be produced or performed by others. For all items proposed, identify the item and show the source, quantity, and price. Conduct price analyses of all subcontractor proposals. Conduct cost analyses for all subcontracts when cost or pricing data are submitted by the subcontractor. Include these analyses as part of your own cost or pricing data submissions for subcontracts expected to exceed the appropriate threshold in FAR 15.403-4. Submit the subcontractor cost or pricing data as part of your own cost or pricing data as required in paragraph 2.A(2) of this table. These requirements also apply to all subcontractors if required to submit cost or pricing data.

(1) Adequate Price Competition. Provide data showing the degree of competition and the basis for establishing the source and reasonableness of price for those acquisitions (such as subcontracts, purchase orders, material order, etc.) exceeding, or expected to exceed, the appropriate threshold set forth at FAR 15.403-4 priced on the basis of adequate price competition. For interorganizational transfers priced at other than the cost of comparable competitive commercial work of the division, subsidiary, or affiliate of the contractor, explain the pricing method (see FAR 31.205-26(e)).

(2) All Other. Obtain cost or pricing data from prospective sources for those acquisitions (such as subcontracts, purchase orders, material order, etc.) exceeding the threshold set forth in FAR 15.403-4 and not otherwise exempt, in accordance with FAR 15.403-1(b) (i.e., adequate price competition, commercial items, prices set by law or regulation or waiver). Also provide data showing the basis for establishing source and reasonableness of price. In addition, provide a summary of your cost analysis and a copy of cost or pricing data submitted by the prospective source in support of each subcontract, or purchase order that is the lower of either \$10,000,000 or more, or both more than the pertinent cost or pricing data threshold and more than 10 percent of the prime contractor's proposed price. The CO may require you to submit cost or pricing data in support of proposals in lower amounts. Subcontractor cost or pricing data must be accurate, complete and current as of the date of final price agreement, or an earlier date agreed upon by the parties, given on the prime contractor's Certificate of Current Cost or Pricing Data. The prime contractor is responsible for updating a prospective subcontractor's data. For standard commercial items fabricated by the offeror that are generally stocked in inventory, provide a separate cost breakdown, if priced based on cost. For interorganizational transfers priced at cost, provide a separate breakdown of cost elements. Analyze the cost or pricing data and submit the results of your analysis of the prospective source's

proposal. When submission of a prospective source's cost or pricing data is required as described in this paragraph, it must be included along with your own cost or pricing data submission, as part of your own cost or pricing data. You must also submit any other cost or pricing data obtained from a subcontractor, either actually or by specific identification, along with the results of any analysis performed on that data.

B. Direct Labor: Provide a time-phased (e.g., monthly, quarterly, etc.) breakdown of labor hours, rates, and cost by appropriate category, and furnish basis for estimates.

C. Indirect Costs: Indicate how you have computed and applied your indirect costs, including cost breakdowns. Show trends and budgetary data to provide a basis for evaluating the reasonableness of proposed rates. Indicate the rates used and provide an appropriate explanation.

D. Other Costs: List all other costs not otherwise included in the categories described above (e.g., special tooling, travel, computer and consultant services, preservation, packaging and packing, spoilage and rework, and Federal excise tax on finished articles) and provide bases for pricing.

E. Royalties: If royalties exceed \$1,500, you must provide the following information on a separate page for each separate royalty or license fee:

- (1) Name and address of licensor.
- (2) Date of license agreement.
- (3) Patent numbers.
- (4) Patent application serial numbers, or other basis on which the royalty is payable.
- (5) Brief description (including any part or model numbers of each contract item or component on which the royalty is payable).
- (6) Percentage or dollar rate of royalty per unit.
- (7) Unit price of contract item.
- (8) Number of units.
- (9) Total dollar amount of royalties.
- (10) If specifically requested by the CO, a copy of the current license agreement and identification of applicable claims of specific patents (see FAR 27.204 and 31.205-37).

F. Facilities Capital Cost of Money (Commercial Organizations, only): When you elect to claim facilities capital cost of money as an allowable cost, you must submit Form CASB-CMF and show the calculation of the proposed amount (see FAR 31.205-10).

3. Formats for Submission of Line Item Summaries: A separate cost/price estimate shall be provided for each research objective that you may propose. Individual cost/price estimates shall be furnished in accordance with the detailed breakdown in the format similar to that shown on the "Business Proposal Cost Information" form found under the subdirectory entitled "FORMS, FORMATS, AND ATTACHMENTS" of this BAA. For each separate

cost/price estimate, the offeror must furnish a breakdown by cost element as indicated above. In addition, summary total amounts shall be furnished. Further, in an effort to assist the cost proposal review process, Offerors who have prepared their business proposal using the following software spreadsheet programs are requested to provide a copy of the cost proposal spreadsheet(s) on a computer disk (high density) along with the submission of your paper copies of the business proposal. IBM PC compatible software programs are: Excel; Lotus 1-2-3; and Quattro Pro.

4. There is a clear distinction between submitting cost or pricing data and merely making available books, records, and other documents without identification. The requirement for submission of cost or pricing data is met when all accurate cost or pricing data reasonably available to the offeror have been submitted, either actually or by specific identification, to the CO or an authorized representative. As later information comes into your possession, it should be submitted promptly to the CO in a manner that clearly shows how the information relates to the offeror's price proposal. The requirement for submission of cost or pricing data continues up to the time of agreement on price, or an earlier date agreed upon between the parties if applicable.

5. By submitting your proposal, you grant the CO or an authorized representative the right to examine records that formed the basis for the pricing proposal. That examination can take place at any time before award. It may include those books, records, documents, and other types of factual information (regardless of form or whether the information is specifically referenced or included in the proposal as the basis for pricing) that will permit an adequate evaluation of the proposed price. [Note to Offerors of BAAs using "JUST IN TIME" procedures: Data substantiating the costs or prices proposed (i.e. payroll documentation, vendor quotes, invoice price, etc.) shall not be submitted with the initial proposal. This information will be requested from the offeror during the negotiation process. The initial proposal need only indicate from what source the proposed costs and prices are substantiated.

3. Qualifications of the Offeror

You are required to submit a summary of your General Experience, Organizational Experience Related to this BAA, Performance History, and Pertinent Contracts and Grants (for both the offeror and proposed major subcontractor(s)).

a. General Experience: General experience is defined as general background, experience and qualifications of the offeror. A discussion of proposed facilities which can be devoted to the project may be appropriate.

b. Organizational Experience Related to the BAA: Organizational experience is defined as the accomplishment of work, either past or on-going, which is comparable or related to the effort required by this BAA. This includes overall offeror or corporate experience, but not the experience and/or past performance of individuals who are proposed as personnel involved with the SRO in this BAA (the evaluation of proposed personnel will be done through the applicable technical evaluation criteria for each proposed objective).

c. Performance History: Performance history is defined as meeting contract objectives within delivery and cost schedules on efforts, either past or on-going, which are comparable or related to the effort required by this BAA.

d. Pertinent Contracts: Pertinent contracts is defined as a listing of each related contract completed within the last three years or currently in process. List contracts awarded by the Government that involved similar or related work to that called for in this BAA. Include the contract number, contracting agency, contract dollar value, dates contract began and ended (or ends), description of contract work, explanation of relevance of work to this BAA, names and telephone numbers of the Contract Specialist and the GPO.

e. Pertinent Grants: Pertinent grants is defined as a listing of each related grant completed within the last three years or currently in process. List grants supported by the Government that involved similar or related work to that called for in this BAA. Include the grant number, involved agency, names and telephone numbers of the Grant Specialist and the GPO, identification of the work, and when performed.

4. Property, Equipment, Facilities

a. It is DHHS policy that Contractors will provide all equipment and facilities necessary for performance of contracts. Exception may be granted to furnish Government-owned property, or to authorize purchase with contract funds, only when approved by the CO. If the offeror is proposing that the Government provide any equipment, other than that specified under Government Furnished Property in the BAA, the proposal must include comprehensive justification which includes, in addition to the description and estimated cost of each item:

i. An explanation that the item is for a special use essential to the direct performance of the contract and the item will be used exclusively for the purpose. Office equipment such as desks, office machines, etc., will not be provided under a contract except under very exceptional circumstances.

ii. No practical or economical alternative exists (e.g., rental, capital investment) that can be used to perform the work.

b. The offeror shall identify Government-owned property in its possession and/or Contractor titled property acquired from Federal funds, which it proposes to use in the performance of the prospective contract.

c. If an offeror intends to use existing Government-owned facilities in the performance of this proposed contract, the following shall be furnished with the offer: (1) Description and value of all Government production and research property which the offeror or his/her anticipated subcontractors propose to use on a rent-free basis and the cognizant Government Contract Number; (2) Written permission of the CO having cognizance of the property for use of that property without charges; (3) Amount of use (in months) to be made of such property, and (4) Amount of rent which would otherwise be charged for such use, computed in accordance with applicable procurement regulations.

d. The management and control of any Government property shall be in accordance with DHHS Publication (OS) 686 entitled, "Contractor's Guide for Control of Government Property (1990)," a copy of which will be provided upon request.

5. Royalties

The offeror shall furnish information concerning royalties which are anticipated to be paid in connection with performance of work under the proposed contract.

6. Financial Capacity

The offeror shall indicate if it has the necessary financial capacity, working capital, and other resources to perform the contract without assistance from any outside source. If not, indicate the amount required and the anticipated source.

7. Incremental Funding (applicable only to award anticipated for Objective #5)

An incrementally funded cost-reimbursement contract is a contract in which the total work effort is to be performed over a multiple year period and funds are allotted, as they become available, to cover discernible phases or increments of performance. The incremental funding technique allows for contracts to be awarded for periods in excess of one year even though the total estimated amount of funds expected to be obligated for the contract are not available at the time of the contract award. If this requirement is specified elsewhere in this BAA, the offeror shall submit a cost proposal for each year. In addition, the following provisions are applicable:

Sufficient funds are not presently available to cover the total cost of the complete multiple year project described in this solicitation. However, it is the Government's intention to negotiate and award a contract using the incremental funding concepts described in the FAR clause 52.232-22, entitled "Limitation of Funds." Under that clause, which will be included in the resultant contract, initial funds will be obligated under the contract to cover an initial period of performance. Additional funds are intended to be allotted from time to time, to the contract by contract modification, up to and including the full estimated cost of the contract, to accomplish the entire project. While it is the Government's intention to progressively fund this contract over the entire period of performance up to and including the full estimated cost, the Government will not be obligated to reimburse the Contractor for costs incurred in excess of the periodic allotments, nor will the Contractor be obligated to perform in excess of the amount allotted.

8. FAR 52.215-16, Facilities Capital Cost of Money (October 1997) (This is applicable if you are a commercial organization)

a. Facilities capital cost of money, see FAR 15.408(h), will be an allowable cost under the contemplated contract, if the criteria for allowability in subparagraph 31.205-10(a)(2) of the

FAR are met. One of the allowability criteria requires the prospective Contractor to propose facilities capital cost of money in its offer.

b. If the prospective Contractor does not propose this cost, the resulting contract will include the clause Waiver of Facilities Capital Cost of Money.

(end of provision)

If the offeror elects to claim this cost, the offeror shall specifically identify or propose it in the cost proposal for the contract by including one of the following statements:

The prospective Contractor has specifically identified or proposed facilities capital cost of money in its cost proposal and elects to claim this cost as an allowable cost under the contract. Submit Form CASB-CMF (see FAR 31.205-10), or

The prospective Contractor has not specifically identified or proposed facilities capital cost of money in its proposal and elects not to claim it as an allowable cost under the contract.

9. Subcontractors

If subcontractors are proposed, please include a commitment letter from the subcontractor detailing:

- a. Willingness to perform as a subcontractor for specific duties (list duties).
- b. What priority the work will be given and how it will relate to other work.
- c. The amount of time and facilities available to this project.
- d. Information on their cognizant field audit offices.
- e. How rights to publications and patents are to be handled.
- f. A complete cost proposal in the same format as the offeror's cost proposal.

10. Representations and Certifications

One copy of the Representations and Certifications (See APPLICABLE BAA REFERENCES) shall be completed and be signed by an official authorized to bind your organization. Additionally, a completed copy of the Representations and Certifications shall be submitted from any proposed subcontractor.

Note: Proposer's Annual Report and Travel Policy are two items that will be requested of offerors in the Order of Merit Ranking, offerors who submit FPRs, or offerors who will receive an award, rather than of all offerors with their initial business proposals.

PROPOSAL INTENT RESPONSE SHEET - PROPOSAL INTENT

RFP NIMH-98-DM-0010

PLEASE REVIEW THE ATTACHED REQUEST FOR PROPOSAL. FURNISH THE INFORMATION REQUESTED BELOW AND RETURN THIS PAGE ON OR BEFORE FRIDAY, MAY 1, 1998. YOUR EXPRESSION OF INTENT IS NOT BINDING BUT WILL GREATLY ASSIST US IN PLANNING FOR PROPOSAL EVALUATION. CHECK ONLY ONE BOX.

☐ DO INTEND TO SUBMIT A PROPOSAL FOR THE FOLLOWING:

☐ DO NOT INTEND TO SUBMIT A PROPOSAL FOR THE FOLLOWING REASONS:

TYPED NAME AND TITLE: _____

INSTITUTION: _____

SIGNATURE: _____

TELEPHONE NO.: _____

EMAIL ADDRESS: _____

FAX NO. _____

DATE: _____

COLLABORATORS/CONSULTANTS - Provide name(s) and institution(s): (Continue list on additional pages if necessary)

RETURN TO: National Institute of Mental Health
 Contracts Management Branch
 Attn: Patricia L. Gibbons
 5600 Fishers Ln., Rm. 9C-15
 Rockville, MD 20857-8030
 FAX (301) 443-0501
 Pgibbons@nih.gov

